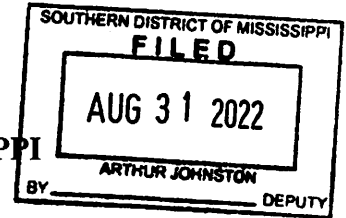


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



THE UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO: 3:20 cv 415-DPJ-FKB

THE REAL PROPERTY KNOWN  
115 ROSEDOWNE BEND  
MADISON, MISSISSIPPI

DEFENDANT REAL PROPERTY

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ANSWER AND DEFENSES OF RENASANT BANK TO  
THE FIRST AMENDED COMPLAINT

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Renasant Bank ("Claimant ") files this Answer and Defenses to the First Amended Complaint of Plaintiff, as follows:

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The Amended Complaint fails to state a claim upon which relief can be granted. Claimant asserts all defenses under Rule 12, *FRCP*, including all defenses under 12(b)(1) through 12 (b)(7). Moreover, Claimant was not timely served with the summons under Rule 4, *FRCP* and this matter should be dismissed.

**SECOND DEFENSE**

Claimant is an innocent owner under 18 U.S.C. § 983 (d) and other applicable law as an innocent mortgagee for value without notice of Plaintiff's claims regarding the real property. Claimant also asserts § 41-29- 153, *Miss. Code Ann.*, and related statutes.

**THIRD DEFENSE**

Claimant incorporates herein by reference its Verified Claim filed in this matter on April 26, 2021.

**FOURTH DEFENSE**

Claimant accepted the deed of trust in good faith and for reasonable equivalent value without notice of Plaintiff's alleged claims.

**FIFTH DEFENSE**

Claimant is innocent mortgagee for value without notice of Plaintiff's claims regarding the real property.

**SIXTH DEFENSE**

Claimant adopts and incorporates all instruments of record regarding the real property at issue of which this Court may take judicial notice.

**SEVENTH DEFENSE**

The Amended Complaint may be barred in whole or in part by estoppel, judicial estoppel, or equitable estoppel.

**EIGHTH DEFENSE**

Any threat, imposition or award that deprives the rights of Claimant under the deed of trust in this action would be contrary to and violate to the United States Constitution and the Constitution of the State of Mississippi, including but not limited to, a taking without just compensation under Amendment V of the United States Constitution and Article 3, Section 17 of the Constitution of the State of Mississippi; an excessive or illegal fine in violation of Amendment VIII of the United States Constitution and Article 3, Section 28 of the Constitution of the State of Mississippi and/or a

violation of the Due Process Clause of Amendment XIV of the United States Constitution and Article 3, Section 14 of the Constitution of the State of Mississippi.

**NINTH DEFENSE**

The Amended Complaint may be barred in whole or in part by the doctrines of waiver or detrimental reliance.

**TENTH DEFENSE**

The Amended Complaint may be barred in whole or in part by laches, clean hands doctrine, and other equitable principles.

**ELEVENTH DEFENSE**

The Amended Complaint may be barred in whole or in part by the statute of limitations including but not limited to 19 U.S.C. § 1621.

**TWELFTH DEFENSE**

The Plaintiff may have failed to join necessary or indispensable parties.

**THIRTEENTH DEFENSE**

The Plaintiff may have failed to plead fraud as required by the *FRCP*.

**FOURTEENTH DEFENSE**

Plaintiff's claims may be barred by the doctrines of consent, ratification, election of remedies, accord and satisfaction, payment, release, set-off, recoupment and/or failure of consideration.

**FIFTEENTH DEFENSE**

In the alternative, the claims of Plaintiff should be subordinate and junior to the rights of Claimant under the deed of trust.

### **SIXTEENTH DEFENSE**

The Claimant reserves the right to raise any other affirmative matters which are developed during investigation and discovery in this case.

And now, answering the allegations of the Amended Complaint paragraph by paragraph, the Claimant states:

### **INTRODUCTION**

1. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the subject real property as set forth in the Verified Claim filed herein which is incorporated by reference.

### **JURISDICTION AND VENUE**

2. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

3. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

### **FACTUAL ALLEGATIONS**

#### **A. Background Information**

4. Claimant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

5. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

6. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

7. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

8. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

9. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

10. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

11. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

12. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

13. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

14. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**B. Relationship Between Davis and the DiBiase Family**

15. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**C. Davis's Pattern of Causing Federally Funded Contracts to be Steered to Entities Controlled by the DiBiase Family without any Competitive Bidding Process and to Cause Payments to be made under those Contracts Without any Significant Work Being Performed**

16. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

17. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

18. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

19. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

20. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

21. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.



22. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

23. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

24. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

25. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**D. Wire Fraud Scheme, Theft of Federal Funds, and Conspiracy to Engage in Wire Fraud and Theft of Federal Funds**

26. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

27. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

28. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

29. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

30. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

31. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

32. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

33. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

34. Claimant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

35. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

36. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

37. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

38. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

40. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

41. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

42. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

43. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

44. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

45. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

46. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

47. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

48. Claimant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

49. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

50. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

51. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

52. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**E. Tracing of TANF Funds to the Defendant Property**

53. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

54. Claimant admits the truth of the allegations in this paragraph and asserts that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

55. Claimant admits that check number 1010 was deposited into account 2066; otherwise Claimant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and subparagraphs. Claimant further asserts that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

56. Claimant admits that check number 1010 was deposited into account 2066; otherwise Claimant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and subparagraphs. Claimant further asserts that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of



trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

57. Claimant admits that on or about November 16, 2018, \$401, 304.37 was transferred from account 2066 to account 4599 and that account 2066 had a balance of \$663,421.11 prior to the transfer. Claimant admits that a wire transfer was sent in the amount of \$401, 304.37 to an attorney; Otherwise, Claimant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and subparagraphs. Claimant further asserts that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

58. Claimant admits that on or about November 16, 2018 a wire of funds was initiated from a Renasant account to an account at Bank Plus. Claimant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and subparagraphs. Claimant further asserts that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

59. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

60. Claimant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

61. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

62. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

#### **IV. BASIS FOR FORFEITURE**

63. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

64. Claimant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

65. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

66. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

67. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

68. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

69. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**FIRST CLAIM OF FORFEITURE**  
**Proceeds of Wire Fraud**  
**(18 U.S.C. § 981 (a) (1)(C))**

70. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

71. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

72. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**SECOND CLAIM OF FORFEITURE**  
**Proceeds of Conspiracy to Commit Wire Fraud**  
**(18 U.S.C. § 981 (a)(1)(C))**

73. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

74. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

75. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**THIRD CLAIM OF FORFEITURE**  
**Proceeds of Theft or Bribery Concerning Programs Receiving Federal Funds**  
**(18 U.S.C. § 981 (a)(1)(C))**

76. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

77. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

78. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**FOURTH CLAIM OF FORFEITURE**  
**Proceeds of Conspiracy to Commit Offense**  
**(18 U.S.C. § 981 (a)(1)(C))**

79. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

80. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

81. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**FIFTH CLAIM OF FORFEITURE**  
**Property Involved in Concealment Money Laundering**  
**(18 U.S.C. § 981 (a)(1)(A))**

82. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

83. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of

trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

84. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

**SIXTH CLAIM OF FORFEITURE**  
**Property Involved in Laundering Transactions Greater than \$ 10,000**  
**(18 U.S.C. § 981 (a)(1)(A))**

85. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

86. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

87. Claimant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and subparagraphs except only to assert that it is an innocent mortgagee for value without notice and that it has a valid and binding first-priority deed of



trust on the real property as set forth in the Verified Claim filed herein which is incorporated by reference.

WHEREFORE PREMISES CONSIDERED, Renasant Bank respectfully requests that the Amended Complaint filed by Plaintiff be dismissed as to the real property with prejudice, and that it be dismissed with its costs in this matter.

DATED: August 31, 2022.

Respectfully submitted,

Renasant Bank

BY: s/ Gene D. Berry  
Gene D. Berry

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**CERTIFICATE OF SERVICE**

I, Gene D. Berry, attorney for Claimant does hereby certify that I have this day filed the above and foregoing document with the US Court and to the following:

Adrienne E. Rosen, Esq.  
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This 31<sup>st</sup> day of August, 2022.

Gene D. Berry  
Gene D. Berry